

IOWA BOARD OF DENTAL EXAMINERS

OCTOBER 24-25, 2006 MEETING MINUTES DES MOINES, IOWA

AMENDED At the February 1, 2007, teleconference board meeting, the Board voted to amend the October 24-25, 2006, minutes to include disciplinary Orders.

The open-session meeting of the Iowa Board of Dental Examiners was called to order at 1:00 p.m. on Tuesday, October 24, 2006, in the conference room, 400 S.W. 8th St., Suite D, Des Moines, Iowa, by the Chairperson of the Board, Deena R. Kuempel, D.D.S.

Members present at this meeting:

Deena R. Kuempel, D.D.S., Chairperson
Richard M. Reay, D.D.S., Vice-Chairperson
Debra L. Yossi, R.D.H., Secretary
Elizabeth Brennan, Public Member
Eileen A. Cacioppo, R.D.H.
Gary D. Roth, D.D.S.
Peter L. Vidal, D.D.S.

Also present: Constance L. Price, Executive Director
Christel Braness, Administrative Assistant
Phil T. McCollum, Investigator
Dee Ann Argo, Administrative Assistant
Theresa O'Connell Weeg, Assistant Attorney General
Jennifer Hart, Executive Officer
Janet Arjes, Executive Officer

PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

MINUTES

Motion by Ms. Cacioppo, seconded by Dr. Roth, to approve the minutes of the August 25, 2006, meeting of the Board as written.

Vote: Unanimous.

Motion carried.

EXECUTIVE DIRECTOR REPORT

AMERICAN ASSOCIATION OF DENTAL ADMINISTRATORS ANNUAL MEETING
AMERICAN ASSOCIATION OF DENTAL EXAMINERS ANNUAL MEETING

LAS VEGAS, NV, OCTOBER 2006

Ms. Price thanked the Board members for allowing her to attend the annual national meeting of the AADA and the AADE. The meetings covered a wide variety of topics and issues that are current in the field of dentistry. Ms. Price provided an overview of the issues discussed at the meetings.

DENTAL FORUM

The Iowa Board of Dental Examiners invited all of the dentally related professional associations to attend a forum prior to the open session meeting of the Iowa Board of Dental Examiners. Representatives of the Iowa Dental Hygienists' Association and the Iowa Dental Assistants Association attended the meeting. Representatives of the Iowa Dental Association did not attend. Dr. Kuempel thanked those who attended the forum. The professional associations in attendance were given an opportunity to express any concerns or ideas that they wanted to share with the Board.

PUBLIC HEALTH DISASTER PREPAREDNESS

There was discussion about a seminar on public health disaster preparedness that was sponsored by the Iowa Dental Assistants Association. Dr. Bob Russell, State Dental Director, Iowa Department of Public Health, presented information about the critical need to follow infection control protocols. The response from those in attendance was that the event was successful in providing critical information. There was a sentiment that the information presented in the course would be beneficial to everyone working in dental offices, not just dental assistants.

ACCESS TO CARE

The Board received a letter from a dentist expressing a concern that dentists are not providing care to those with need. Currently, there are not many incentives for participation in access to care programs. The Board discussed that it may be beneficial for the Iowa Dental Association to take an active role in working to find a solution to this problem. The Board will respond to this letter and let him know that the Board is aware of the problem and would welcome any input or ideas for addressing the access to care problem in Iowa.

CENTRAL REGIONAL DENTAL TESTING SERVICE, INC. (CRDTS)

DENTAL STEERING COMMITTEE REPORT

Dr. Vidal and Dr. Reay reported on their recent meeting with the CRDTS Steering Committee. The issue with the University of Iowa College of Dentistry obtaining necessary practice materials appears to have been resolved.

The steering committee received information suggesting that WREB is making changes to its clinical examinations. It appears that WREB will be adding some components to its examination. These additions may address some of the concerns expressed by a number of states. The steering committee also discussed some of the differences between the ADEX and WREB examinations and they feel that there is a good opportunity for discussion. CRDTS plans to have a review of the ADEX examination at its annual meeting on August 23-25, 2007.

CRDTS also stated that they are able to administer examinations on weekends. However, many of the schools are reluctant to do so because of the additional cost involved.

The suggestion was made during the steering committee meeting to refund the fees paid by a candidate for an appeal in the event the appeal is decided in the candidate's favor. A final decision was not made on this issue.

DENTAL EXAMINATION REVIEW COMMITTEE

The ad hoc committee met prior to the board meeting. No report to the Board at this time.

DENTAL HYGIENE EXAMINATION REVIEW COMMITTEE

Ms. Cacioppo reported that there are no changes in place for 2007, which is a correction of the report previously received by the Board.

ANESTHESIA CREDENTIALS COMMITTEE

Dr. Roth reported that he had received a number of questions and calls in response to the proposed rule changes to 650—Chapter 29. Dr. Roth wanted to clarify that the proposed changes removed repetitive and unnecessary language in the rules. One significant change to the rules was to require conscious sedation permit holders to complete an accredited residency program to perform sedation on pediatric and medically compromised patients. The ADA guidelines require additional training to sedate these patient groups. In addition, on a national level there have been several reported deaths due to sedation of pediatric patients.

Dr. Roth reported that the new sedation applications now require the program director of a sedation training program to sign off on the competency of an individual and to clarify that the applicant has met the ADA guidelines for training in sedation. This will assist the committee in ensuring applicants have obtained the necessary training and that someone is willing to attest to the applicant's competency in airway management. The new application forms require primary source verification of credentials and also provide the committee with additional information to ensure applicants have met the requirements specified in Board rules.

CONTINUING EDUCATION ADVISORY COMMITTEE

Motion by Ms. Cacioppo, seconded by Dr. Roth, to approve the 2006 continuing education sponsor list as provided.

Vote: Unanimous.
Motion carried.

Ms. Cacioppo provided an overview of the continuing education courses submitted to the committee for approval and recommendations concerning courses that were eligible for credit according to Board rules.

Motion by Ms. Cacioppo, seconded by Dr. Roth, to accept the committee recommendations for Board approval of continuing education courses.

Vote: Unanimous.
Motion carried.

DENTAL HYGIENE COMMITTEE

Ms. Yossi reported that the Dental Hygiene Committee met in open session and recommended approval of a nitrous oxide monitoring offered through Iowa Valley Community College in Marshalltown, Iowa. The course is offered through the dental assisting program and only pertains to monitoring nitrous oxide. The committee recommends approval of the course to allow a dental hygienist to monitor nitrous oxide inhalation analgesia. The course would not be sufficient to allow a dental hygienist to administer nitrous oxide.

Motion by Ms. Yossi, seconded by Dr. Roth, to ratify the Dental Hygiene Committee recommendation to approve the course offered by Iowa Valley which trains dental hygienists to monitor nitrous oxide.

Vote: Unanimous.
Motion carried.

Ms. Yossi reported that the Dental Hygiene Committee reviewed the proposed rule changes that will be discussed by the Board later in the meeting. The committee specifically reviewed those amendments that would affect dental hygienists, including the change in the renewal of dental hygiene licenses and local anesthesia permits, and a requirement pertaining to dental hygiene license by credentials. The committee recommends that the Board file a Notice of Intended Action on the proposed changes affecting dental hygiene.

Motion by Ms. Yossi, seconded by Ms. Cacioppo, to recommend approval for the rule changes discussed.

Vote: Unanimous.
Motion carried.

Ms. Yossi reported that the Dental Hygiene Committee also discussed the need to redraft rules concerning remedial education following examination failures. The Dental Hygiene Committee has asked staff to draft proposed amendments to clarify remediation requirements. The proposed amendments will be consistent with existing Board rules that require remedial education following two examination failures.

CONSIDERATION OF RULES

IOWA ADMINISTRATIVE CODE 650 CHAPTER 25, CONTINUING EDUCATION

Ms. Hart reported that proposed amendments are not yet eligible for adoption. The Board will discuss the amendments in January.

IOWA ADMINISTRATIVE CODE 650 CHAPTER 29, DEEP SEDATION/GENERAL ANESTHESIA, CONSCIOUS SEDATION AND NITROUS OXIDE INHALATION ANALGESIA

Ms. Hart reported that a public hearing was held on October 17, 2006, regarding the proposed amendments. At the request of the Iowa Dental Association, the public comment period on the proposed amendments has been extended. The IDA asked for additional time to gather feedback on the proposed amendments. Ms. Hart also noted that a number of licensees had phoned about the proposed changes. It appeared that sedation permit holders had received a mailing informing them of the changes and this created confusion about the proposed changes. Ms. Hart advised all interested parties that the public comment period has been extended until December.

IOWA ADMINISTRATIVE CODE 650 CHAPTER 30, DISCIPLINE 650–30.4(14)

Board members discussed the need for this subrule, which is specific to a dental hygienist and primarily deals with a business issue and not a public protection issue. The Board discussed the need for a broader rule to deal with patient confidentiality issues and that would not be specific to only one profession. IAC 650–Chapter 27 addresses confidentiality but the rule is specific to dentists. The Board members felt that it was very important that all licensees and registrants maintain the confidentiality of a patient record. At the Board's request, Ms. Hart will draft a rule to better address confidentiality and ensure that the rule pertains to all licensees and registrants.

IOWA ADMINISTRATIVE CODE 650 CHAPTER 1, ADMINISTRATION CHAPTER 11, DENTAL & DENTAL HYGIENE LICENSURE CHAPTER 13, SPECIAL LICENSES CHAPTER 14, RENEWAL

CHAPTER 15, FEES
CHAPTER 20, DENTAL ASSISTANTS
CHAPTER 22, DENTAL ASSISTANT RADIOGRAPHY QUALIFICATION
CHAPTER 25, CONTINUING EDUCATION
CHAPTER 27, STANDARDS OF PRACTICE & PRINCIPLES OF PROFESSIONAL ETHICS
CHAPTER 28, DESIGNATION OF SPECIALTY
CHAPTER 29, SEDATION AND NITROUS OXIDE INHALATION ANALGESIA
CHAPTER 35, IOWA PRACTITIONER REVIEW COMMITTEE

The Board members discussed the proposed amendments. Item 1 of the amendments clarifies that a person with a lapsed license, permit, or registration continues to hold the privilege of licensure, but may not practice until the license, permit, or registration is reinstated. Item 2 of the amendments eliminates a provision that requires an applicant for dental hygiene licensure by credentials to establish that the state they are coming from also grants licensure by credentials to Iowa applicants. A similar provision for dentists was eliminated several years ago.

Items 3, 6, 7, 11, 13, 14, 18, and 19 of the amendments changes the renewal term of licenses, registration, and permits. Previously, licenses, permits, and registration expired at the end of June. Licenses, permits, or registrations will now expire on August 31. All licenses, permits, and registrations will be granted an automatic two-month extension. The late renewal period and continuing education compliance period has also been changed accordingly. The change in the renewal term will allow the Board to receive revenue at the beginning of the fiscal year and then plan expenditures accordingly. In accordance with 2006 Iowa Acts, House File 2748, the Board will no longer receive an appropriation and must ensure sufficient revenue is available to cover expenditures.

Item 4 of the amendments specifies the application requirements for faculty permit holders. Item 5 of the amendments requires applicants for a temporary permit to have at least three years of active practice in another state. This will ensure applicants have a positive practice history prior to providing services in Iowa.

Item 8 of the amendments clarifies the fee required for reinstatement of a lapsed license or registration. Item 9 of the amendments establishes the license, permit, and renewal fees. The fees remain the same. Item 10 of the amendment eliminates a typo that refers to dental radiography as an extraoral service and item 12 clarifies that a dental assistant may provide dental radiography with the direct supervision of a dentist.

Item 15 of the amendments sets a maximum number of hours required for reinstatement of an inactive practitioner. The number of hours is consistent with the maximum number of hours required to reinstate a lapsed license.

In item 15, the Board discussed that they would like to draft a rule that would further reduce the maximum amount of fees that could be charged to reinstate a lapsed license or registration. The Board discussed the possibility of drafting language that would cap the

maximum amount for reinstatement at two times the current renewal fee.

Item 16 of the amendments corrects a code reference that has changed. Item 17 of the amendments corrects the definition of the prosthodontics dental specialty. Item 20 of the amendments clarifies that the IPRC may disclose participation in the program if a practitioner is referred to the Board for noncompliance. Item 21 of the amendments allows the Board to refer practitioners who are the subject of a Board order to the IPRC for monitoring by the IPRC.

Motion by Ms. Cacioppo, seconded by Ms. Yossi, to file Notice of Intended Action on the proposed amendments.

Vote: Unanimous
Motion carried.

LEGISLATIVE ISSUES

BOARD NAME CHANGE

Ms. Hart reported the Iowa Department of Public Health is in the process of preparing the legislative request to change the name of the various licensing Boards. As discussed at the August Board meeting, the Iowa Board of Dental Examiners is proposing a name change to the Iowa Dental Board.

The deadline to prefile proposed legislation is November 27, 2006.

APPLICATIONS FOR LICENSURE/PERMITS/REGISTRATION

APPROVAL OF APPLICATIONS

The Board was provided a list of the applications for licensure, permit, and registration that have been processed since the last Board meeting.

Between August 25, 2006, and October 23, 2006, the Board licensed 12 dentists and 12 dental hygienists; the Board issued 2 resident dental permits, 4 deep sedation/general anesthesia permits, 4 conscious sedation permits, and 9 local anesthesia permits. The Board registered 61 dental assistants with the additional qualification in dental radiography and 6 registered without qualification; the Board issued 2 qualifications in dental radiography without registration, and trainee status to 71 dental assistants.

Motion by Ms. Cacioppo, seconded by Ms. Yossi, to approve issuance of licensure/permits/registration to those persons listed.

Vote: Unanimous
Motion carried.

WAIVER REQUESTS

Ms. Hart reported that Dr. Kaaren Vargas, who currently holds a faculty permit at the University of Iowa, has asked the Board to consider if she would be eligible for a waiver of the foreign dental graduate rules if she completed a one-year general practice residency. Ms. Vargas graduated from dental school in Peru. She also holds a PhD in Oral Sciences and has previously completed a two-year pediatric residency at an accredited dental school. Dr. Vargas would formally apply for a waiver upon completion of the residency program.

The Board requested that Dr. Vargas be advised that she would be an appropriate candidate for waiver if she completes a one-year general practice residency.

Ms. Hart reported that Dr. Saravana K. Karunakaran has requested a waiver of 650 IAC subrule 11.4(1). This administrative rule provides that a graduate of a foreign dental school must obtain two years of undergraduate dental education at an accredited dental school to be eligible for permanent dental licensure. Specifically, Dr. Karunakaran has asked the Board to accept in lieu of two years of undergraduate education, a masters level education in dental materials and two years of postgraduate training in general practice dentistry at the LSU Health Sciences Center School of Dentistry, an accredited dental school.

Motion by Dr. Roth, seconded by Dr. Vidal, to approve the waiver request, upon the condition that Dr. Karunakaran successfully complete the second year of his general practice residency at LSU School of Dentistry.

Vote: Unanimous
Motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Dr. Kuempel allowed time for public comment.

The Board adjourned the open session of its meeting at 4:00 p.m. October 24, 2006.

CLOSED SESSION

Motion by Ms. Yossi, seconded Ms. Cacioppo, for the Board to go into closed session pursuant to Iowa Code Section 21.5(1)(d) and (f) to discuss and review complaints and investigative reports which are required by state law to be kept confidential and also to discuss decisions to be rendered in contested cases.

Vote: Ms. Yossi, aye; Ms. Cacioppo, aye; Dr. Reay, aye; Dr. Roth, aye; Dr. Kuempel, aye; Dr. Vidal, aye.
Motion Carried.

Motion by Dr. Roth, seconded Ms. Cacioppo, for the Board to return to open session.

Vote: Unanimous.
Motion Carried.

DISCIPLINARY ORDERS

IN THE MATTER OF
JOHN R. STRIEF, DDS

Motion by Ms. Yossi, seconded Dr. Roth that the Board grants this licensee's request to have his probation terminated.

Vote: Unanimous.
Motion Carried.

IN THE MATTER OF
TERRY L. THURMAN, DDS

Motion by Dr. Reay, seconded Ms. Yossi, that the Board grants this licensee's request to no longer be required to have a practice monitor.

Vote: Unanimous.
Motion Carried.

IN THE MATTER OF
LINDSAY M. BROWN, DDS

Motion by Ms. Yossi, seconded Ms. Cacioppo, that the Board grants this licensee's request to have his probation terminated.

Vote: Unanimous.
Motion Carried.

IN THE MATTER OF
GREGORY C. VANNUCCI, DDS

Motion by Ms. Cacioppo, seconded Dr. Roth, that the Board grants this licensee's request to have his probation terminated.

Vote: Unanimous.
Motion Carried.

IN THE MATTER OF
TAMMY S. RHEA, DDS

The members of the Board considered a proposed Stipulation and Consent Order in this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, that the Board approves the Stipulation and Consent Order as proposed.

Vote: Unanimous.

Motion Carried.

IN THE MATTER OF
MICHAEL P. MCCORMACK, DDS

The members of the Board considered a proposed Notice of Hearing and Statement of Matters Asserted in this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, that the Board determined to approve the Notice of Hearing and Statement of Matters Asserted as amended.

Vote: Unanimous.

Motion Carried.

IN THE MATTER OF
ANNA L. HARDY, RDA

The members of the Board considered a proposed Notice of Hearing and Statement of Matters Asserted in this matter.

Motion by Ms. Cacioppo, seconded Ms. Yossi, that the Board approves the Notice of Hearing and Statement of Matters Asserted as amended.

Vote: Unanimous.

Motion Carried.

IN THE MATTER OF
ANDRE' Q. BELL, DDS

The members of the Board considered a proposed Notice of Hearing and Statement of Matters Asserted in this matter.

Motion by Dr. Roth, seconded Ms. Cacioppo, that the Board approves the Notice of Hearing and Statement of Matters Asserted as proposed.

Vote: Unanimous.

Motion Carried.

NEXT MEETING OF THE BOARD

The next meeting of the Board is scheduled for January 18-19, 2007, in Des Moines, Iowa.

2007 BOARD MEETING DATES

Board members scheduled their meeting dates for 2007 as follows: January 18-19, 2007; April 17-18, 2007; July 10-11, 2007; and October 11-12, 2007.

ADJOURNMENT

The Board adjourned its meeting at 2:50 p.m. October 25, 2006.

Respectfully submitted,

CONSTANCE L. PRICE
Executive Director

CLP/cb